

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

GLENN LEATHERBURY,

No. C 10-1969 SI

Plaintiff,

**ORDER DIRECTING SUPPLEMENTAL  
BRIEFING ON DEFENDANTS' MOTION  
FOR SUMMARY JUDGMENT**

v.

C&H SUGAR COMPANY, INC., AMERICAN  
SUGAR REFINING INC., and DOES 1-100,

Defendant.

On November 8, 2012, the Court heard oral argument on defendants' motion for summary judgment. Defendants moved for summary judgment on plaintiff's ninth cause of action for failure to pay overtime, because they contend that Leatherbury was properly categorized as an exempt employee as the manager of union employees. As to this classification claim, the parties have not fully briefed the legal standard, the proper categorization of Leatherbury's various tasks, and in particular whether Leatherbury recommended that any employee be hired or fired, or whether those recommendations were given particular weight.

The Court hereby ORDERS both parties to submit supplemental briefing on the issue of Leatherbury's classification as an exempt employee, to be submitted to the Court by **November 19, 2012**. The remainder of the summary judgment motion will remain under submission until receipt of that briefing.

**IT IS SO ORDERED.**

Dated: November 8, 2012

  
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SUSAN ILLSTON  
United States District Judge